



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	(Corrected Order)
	:	
ERIN K. ROYER, RN	:	FINAL ORDER
License # 26NR15316500	:	OF DISCIPLINE
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Erin K. Royer ("Respondent") was issued a license to practice as a Registered Professional Nurse (RN) in the State of New Jersey on March 23, 2011 and has been a licensee at all times relevant hereto.

2. Respondent was arrested on October 16, 2012 by members of the Edgewater Police Department and charged with violating

N.J.S.A. 2C:5-1 (Criminal Attempt Shoplifting). On March 7, 2013 in the Edgewater Municipal Court, Respondent was found guilty of violating N.J.S.A. 2C:33-2(a)(2) (Improper Behavior/Disorderly Conduct) and was assessed \$664 in fines, costs, and fees. Respondent had walked out of Whole Foods Supermarket with \$445.05 worth of items without paying. Respondent maintained that she got distracted when she received an upsetting text and had forgotten to pay for the items in the cart.

3. The Board received information indicating that Respondent was arrested on April 16, 2013 by members of the Edgewater Police Department and charged with violating N.J.S.A. 2C:20-11 (Shoplifting). On April 24, 2014 in the Edgewater Municipal Court, Respondent was found guilty of violating N.J.S.A. 2C:20-11(b)(2) (Shoplifting) and was sentenced to 10 days of community service and assessed \$549 in fines, costs, and fees.

4. On April 23, 2013, Respondent submitted an online application to renew her nursing license. The application asks whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial renewal period of June 01, 2011 to May 31, 2013. Respondent

answered "Yes" and certified that answer by submitting the online application.

4. Upon receipt of information indicating that Respondent was arrested by members of the Edgewater Police Department on January 30, 2014 and charged with violating N.J.S.A. 2C:20-11(b)(2) (Shoplifting), the Board sent a letter of inquiry requesting certain information and submission of documents regarding the criminal matter, Respondent's current nursing practice, and continuing education to Respondent's address in Cliffside Park, New Jersey, via regular and certified mail on or about April 1, 2014. Both mailings were returned as "not deliverable as addressed, unable to forward." The Board received no reply from Respondent.

5. The Board received information indicating that on April 24, 2014 in Edgewater Municipal Court, Respondent was found guilty of violating N.J.S.A. 2C:20-11(b)(2) (Shoplifting) in relation to the January 30, 2014 arrest and was sentenced to 15 days community service and assessed \$664 in fines, costs and fees.

6. On April 25, 2014, after receiving information of the two findings of guilt on April 24, 2014, the Board sent Respondent a letter via regular and certified mail to her address on file with the Board requesting information about the

two criminal matters. Both mailings were returned with a notation "Forward Time Expired, Return to Sender," but the post office labels also included a new address in Cliffside Park for Respondent. The Board received no reply from Respondent.

7. On May 8, 2014, the Board re-mailed, via regular and certified mail, the request for information to Respondent at the address provided on the label of the United States Postal Service. The regular mail was not returned. The certified mail was returned as unclaimed. The Board received no reply from Respondent.

8. Upon receipt of information indicating that Respondent was arrested by members of the Cliffside Park Police Department on November 13, 2014 and charged with violating N.J.S.A. 2C:5-2 (Conspiracy Robbery By Force), the Board sent a letter of inquiry requesting certain information and submission of documents regarding the criminal matter, Respondent's current nursing practice, and continuing education to Respondent's Cliffside Park as provided by the United States Postal Service, via regular and certified mail on or about November 19, 2014. The regular mail was not returned. The United States Postal Service Tracking System indicates that the certified mail is still in transit and that at least one notice has been left for Respondent. The Board received no reply from Respondent.

### CONCLUSIONS OF LAW

Respondent's convictions for shoplifting subject her to discipline as she has been convicted of, or engaged in acts constituting, a crime or offense relating adversely to the practice of nursing within the intendment of N.J.S.A. 45:1-21(f). Shoplifting is adverse to the practice of nursing in that nurses care for vulnerable populations who place their trust in the nurses.

Respondent's failure to respond to the Board's requests for information constitutes a failure to cooperate with Board investigations, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h). Respondent also violated N.J.A.C. 13:37-5.7 which requires licensees to provide notification to the Board of any change of address within 30 days of a change.

Pursuant to N.J.A.C. 13:37-5.3(b), a nurse shall complete a minimum of 30 hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of license. N.J.A.C. 13:37-5.3(a). Additionally, a nurse shall maintain continuing education compliance

documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

By virtue of having failed to respond to that portion of the inquiries which requested proof of completion of continuing education, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed 30 hours of required continuing education during the June 1, 2011 - May 31, 2013 biennial period or any subsequent biennial periods. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3, which the Board deems professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation or failure to comply with a regulation administered by the Board within the intendment of N.J.S.A. 45:1-21(h).

Additionally, Respondent engaged in the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 1-21(b) by falsely certifying on her renewal application that she had completed the required continuing education when she did not demonstrate that she did so.

Lastly, Respondent's four arrests and multiple convictions since being licensed in 2011, raise sufficient concern such that

testing, monitoring, evaluation, and treatment are warranted, as a condition for continued or reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-22(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on January 20, 2015, provisionally suspending respondent's nursing license for a minimum of three years, and imposing a reprimand and a total of \$750 in civil penalties. The Order also provisionally ordered respondent to undergo evaluation under the auspices of the Recovery and Monitoring Program of New Jersey (RAMP). A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence

supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order via her attorney. The attorney did not contest the findings and conclusions of the Provisional Order, but advised the Board that respondent took responsibility for her actions, and was committed to addressing the Board's concerns. Through her attorney, Ms. Royer asked the Board to impose a minimum suspension of eighteen months, in lieu of three years. The Board considered this request, directed to the Board's "compassion and understanding," but also considered that there were arrests in 2012, 2013 and 2014 for shoplifting, followed by one conviction for improper behavior and two shoplifting convictions. Moreover, the Board considered respondent's failure to complete required continuing education for the 2011-2013 licensing cycle, the misrepresentation about continuing education on her 2013 renewal application, and the failure to respond to Board inquiries (which her attorney indicated she did not receive because she was only periodically at her address of record.) Respondent had an obligation to inform the Board of an address where she could be reached. Mitigation of the proposed penalty did not appear warranted, and the Board determined that the Provisional Order



should be finalized without modification.

ACCORDINGLY, IT IS on this 13<sup>th</sup> day of May, 2015,  
ORDERED that:

1. Respondent's license to practice nursing is suspended for a minimum of three years and until Respondent

a) provides all the requested information in the Board's letters of inquiry for all of her arrests beginning with the April 16, 2013 arrest to the time of reinstatement,

b) provides proof of completion of 30 hours of continuing education for each biennial period beginning with June 1, 2011 to the time of reinstatement,

c) demonstrates that she is fit, competent, and rehabilitated, and

d) provides proof of completion of any and all sentences imposed in the criminal matters (paid all fines, completed community service, completed probation, etc.).

2. The Board will not entertain an application for reinstatement from Respondent unless and until Respondent completes a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery And Monitoring Program (RAMP), demonstrates that she is fit and competent to practice

nursing, that she is in full compliance with any agreement with RAMP, that RAMP supports her return to practice, provides information regarding all her arrests from April 16, 2013 onward, demonstrates that she is up to date with her continuing education, and that she has completed all sentencing.

3. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

4. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

5. A civil penalty in the total amount of seven hundred fifty dollars (\$750) is imposed. Said penalty is an aggregate penalty, which includes a five hundred dollar (\$500) civil penalty for failure to cooperate with Board investigations and a two hundred and fifty dollar (\$250) civil penalty for failing to timely complete continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be

rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

6. Respondent is reprimanded for her violation of N.J.S.A. 45:1-21(b) by providing a false answer on her renewal regarding completion of continuing education.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APN  
Patricia Murphy, PhD, APN  
President